

REMARKS

Claims 1, 4, 8, 11-13, 18, 22, 28-29 and 35 are currently pending in the subject application and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-41 Under 35 U.S.C. §101

Claims 1-41 stand rejected under 35 U.S.C. §101 because the Examiner contends that these claims are directed toward non-statutory subject matter. Applicants' representative respectfully submits that the claims as originally filed are directed toward patentable subject matter. However, in order to expedite prosecution, the claims have been amended. Accordingly, this rejection should be withdrawn.

II. Objection to Claim 29

Claim 29 has been amended and accordingly, withdrawal of this objection is requested.

III. Rejection of Claims 1-41 Under 35 U.S.C. §102(b)

Claims 1-41 stand rejected under 35 U.S.C. §102(b) as being anticipated by WFT version 8.0 as described in "Developing a WFT Workflow System" (hereinafter referred to as "WFT") and "Using the WFT Development Environment" (hereinafter referred to as "Using") published by Template Software. Applicants' representative respectfully requests that this rejection be withdrawn for at least the following reason. The WFT and Using references do not disclose *determining the structure of an item according to a meta-model or meta-relationship*.

A single prior art reference anticipates a patent claim if *each* and *every* limitation set forth in the patent claim is disclosed in the reference, either expressly or inherently. (See *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1295, 63 U.S.P.Q.2d 1597, 1599, 2 U.S.P.Q.2d 1051, 1052-53 (Fed. Cir. 2002) (citing to *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987))) (emphasis added). Moreover, "[t]he *identical* invention must be shown in as *complete* detail as is contained in the patent claim." (*Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added) (citing *Jamesbury Corp. v. Litton*

Industrial Products, Inc., 756 F.2d 1556, 1560, 225 U.S.P.Q. 253, 257 (Fed. Cir. 1985); and *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983))).

The WFT and Using references describe a system that provides an integrated development environment and the tools for building a workflow system. (See WFT at p. 2-2). As described in the WFT and Using references, a workflow system is made up of applications and associated tasks and work items that flow throughout the system. (See WFT at p. 2-10). All of the claims in some form recite the limitation ***determining the structure of an item according to a meta-model or a meta-relationship***. The WFT and Using references do not disclose this novel feature of the subject claims.

In view of at least the foregoing, applicants' representative respectfully submits that WFT version 8.0 as described in the WFT and Using references does not anticipate the subject claims. Accordingly, applicants' representative respectfully requests that this rejection be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited. In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP487US]. Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Cheryl Lee Young/

Cheryl Lee Young

Reg. No. 43,298

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731